

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

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2009 MAR 17 P 3:10

Tony Tyrone Wilson, #192143,  
Petitioner,  
v.  
Warden, Broad River Correctional  
Institution,  
Respondent.

Civil Action No. 3:09-303-SB-JRM

**ORDER**

This matter is before the Court on the *pro se* Petitioner's request for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pursuant to Local Rule 73.02(B)(2)(a), this matter was referred to a United States Magistrate Judge for preliminary review.

On February 25, 2009, the Magistrate Judge issued a report and recommendation ("R&R"), analyzing the issues and recommending that this case be dismissed as a second or successive § 2254 petition. Attached to the R&R was a notice advising the Petitioner that he may file specific, written objections to the R&R within ten days after being served with a copy; however, the Petitioner's mail containing the R&R was returned on March 5, 2009, marked "return to sender" and "released."

As of this date, the Petitioner has neither filed objections to the R&R nor updated the Court with a current mailing address. Based on these failures, it appears that the Petitioner no longer wishes to pursue this action. Moreover, absent timely objection from a dissatisfied party, a district court is not required to review, under a *de novo* or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriners' Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, because

no objections have been filed, the Court need not conduct a *de novo* review of any portion of the R&R. Accordingly, the Court hereby adopts the Magistrate Judge's R&R as the Order of this Court, and it is

**ORDERED** that the Petitioner's § 2254 petition is dismissed without prejudice and without issuance and service of process.

**IT IS SO ORDERED.**

  
Sol Blatt, Jr.  
Senior United States District Judge

March 17, 2009  
Charleston, South Carolina

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